

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF BEAVER
RIVER DISTRIBUTION -

Re: Second South Field
Irrigation Company -
William R. Yardley -
Beaver City, Utah.

P E T I T I O N .

DEC 3 1963


STATE ENGINEER
OFFICE

Comes now WILLIAM R. YARDLEY, a water user of water rights set up and described in the Beaver River General Adjudication Decree, and petitions and requests the State Engineer of the State of Utah to amend his memorandum decision of date November 18th, 1963, to the end that all of the problems posed in the said memorandum decision be determined at one time, and which problems were presented at previous hearings thereon, and to save to the parties involved in the controversy considerable time and expense in not having said problems determined piecemeal.

It is urged that the filing and approval of a change application by William R. Yardley, as suggested in the said memorandum decision would be subject to an appeal, and the determination thereof would still leave open a determination of the "name or names of the various sloughs involved in the distribution of this water" and would still leave open a determination of "the location of measurement for the waters delivered to William R. Yardley relative to the crossing of the slough by the Second South Field Irrigation Company canal"; and when a determination of those subsequent problems is had, such determination would again be subject to an appeal; thus requiring all parties to litigate these problems piecemeal; whereas an amended memorandum decision would dispose of all of the problems without separate hearings with the attendant time and expense involved.

WHEREFORE, petitioner prays that the said memorandum decision be amended as hereinbefore requested.

Dated this 2nd day of December, 1963.



Attorney for Petitioner
William R. Yardley

I hereby certify that I served a true copy of the above petition on Joseph Novak, attorney for Second South Field Ditch (Irrigation) Company, by placing a copy of said petition in an envelope addressed to said attorney at his post office address, 520 Continental Bank Building, Salt Lake City, Utah, with the postage prepaid thereon and placing the same in a United States Mail Box at Milford, Utah, place of residence of attorney for the petitioner, on the 2nd day of December, 1963.



Attorney for Petitioner
William R. Yardley